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MAR 20 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Brechtner; Slawson; Vest; Cwalina; :
Iwasaki; Thrall and Anthony : DECISION REFUSING STATUS
Application No. 09/533,504 : UNDER 37 CFR 1.47(a)
Filed: March 23, 2000 :
For: SEARCHING AND SORTING MEDIA :
CLIPS HAVING ASSOCIATED STYLE AND :
ATTRIBUTES :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed December 5, 2000.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.

Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on March 23, 2000 without an executed oath or declaration and naming Brechtner; Slawson; Vest; Cwalina; Iwasaki; Thrall and Anthony as joint inventors.

Accordingly, on June 8, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on December 5, 2000, the surcharge fee; a four month extension of time fee; a Declaration signed by inventors Brechtner; Slawson; Vest; Cwalina; Iwasaki and Anthony, but not by joint inventor Thrall; the instant petition under 37 CFR 1.47(a) and fee; and a declaration by Ronald M. Anderson in support of the petition under 37 CFR 1.47(a) were filed.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks (2) set forth above.

The last known address of nonsigning inventor John Thrall stated in the petition is different from the address on the oath/declaration submitted December 5, 2000. Upon consideration, the petition under 37 CFR 1.47(a) cannot be granted since compliance with item (2) above has not been satisfied. Petitioner must submit a new oath or declaration to show the last known address of nonsigning inventor John Thrall as indicated in the petition and to include his country of citizenship to comply with 37 CFR 1.63.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to consider submitting the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Karen Creasy.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Karen Creasy at (703) 305-8859.


Frances Hicks

Lead Petitions Examiner
Office of Petitions
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for Patent Examination Policy